



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

July 19, 2005

Mr. Michael Sparco
731 Union Church Road
Townsend, DE 19734

RE: PLUS 2005-06-05, St. Joseph's Church

Dear Mr. Sparco,

Thank you for meeting with State agency planners on June 29, 2005 to discuss the proposed rezoning of the St. Joseph's Church property located on West Cochran Street in Middletown.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. These comments reflect only issues that are the responsibility of the agencies represented at the meeting. The applicants will also need to comply with any Federal, State and local regulations regarding the site. New Castle County is the governing authority over the site.

Office of State Planning Coordination – Contact Herb Inden 739-3090

This request to rezone this property for the purpose of an adaptive reuse of an historic property appears consistent with your comprehensive plan and the state's Spending Strategies. The developer is to be commended for this effort as preservation of an existing structure like St. Joseph's Church will help to maintain Middletown's special character.

State Historic Preservation Office (SHPO) – Contact Alice Guerrant 739-5685

SHPO supports the rezoning of the site to allow for adaptive reuse of the church. St. Joseph's Church (N-3890) has been listed in the National Register of Historic Places since 1978. The rectory is not included, but the nomination could be amended to list it as well. Because the church is listed and the proposed uses are income-producing, substantial rehabilitation of the building may qualify for a federal tax credit. If the rectory is eligible and the listing pursued, rehabilitation of that building may also qualify. The contact person for tax credit programs is Joan Larrivee (302) 739-5685.

Department of Transportation – Contact Bill Brockenbrough 760-2109

Michael & Cheryl Sparco seek to redevelop a complex of three church buildings situated on a 13,220.46 square foot lot (Tax Parcel 23-008.00-096) in the town of Middletown. The lot is located on the northeast corner of South Cass Street and West Cochran Street. Commercial use is intended and for that reason a rezoning from residential to commercial is being sought. Several possible tenants have been identified. Presently the developers seek to maintain the existing buildings and existing driveway.

Because the complex has its access on Town streets, no plan approval or permit from DelDOT will be required.

The Department of Natural Resources and Environmental Control
Contact Kevin Coyle 739-3091

Soils

The soils on this parcel were all mapped as well-drained Reybold-Urban Land complex.

TMDLs

With the adoption of Total Maximum Daily Loads (TMDLs) to reduce nutrients loads to the Appoquinimink Watershed, reduction of nitrogen and phosphorus loading in subject watershed will be necessary. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support these desired use goals. The jurisdictional authority falls under Section 11.5 of the Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as “pollution control strategies.”

Nutrient reductions prescribed under TMDLs are assigned to watersheds on the basis of recognized water quality impairments. In the Appoquinimink watershed, the primary source of water quality impairment is associated with nutrient runoff from both urban and agricultural sources. In order to mitigate the aforementioned impairments, a TMDL reduction level of 60 percent will be required for both nitrogen and phosphorus. Reducing impervious cover through the use of pervious paving materials and the planting of trees are two examples of BMPs that help reduce nutrient runoff. A nutrient budget should be calculated to ensure compliance. Contact Lyle Jones at 739-4590 for the acceptable protocol.

Water Supply

Any on-site public well be needed must be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells if they can be constructed and located in compliance with Regulations Governing the Construction and Use of Wells. Well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. A water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation. Dewatering well permit applications typically take approximately four weeks to process. Questions concerning these comments can be directed to Rick Rios, (302)739-3665.

Water Resource Protection Areas

A portion of the site falls within an excellent recharge area (see map). According to State law, county and municipal governments are required to enact ordinances to protect Water Resource Protection Areas. The text below has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While local ordinances are not yet in place, the developer may find this wording useful in modifying the site plan to protect the wellhead protection area.

“Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.”

Applicants commonly offset the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water. DNREC recommends the following measures, ranked in order of preference:

- 1) Preserve WRPAs as open space and parks by acquisition or conservation easement;
- 2) Limit impervious cover of new development to 20 % by right within WRPAs;
- 3) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff;

- 4) Allow impervious cover of new development to exceed 20% within WRPA's (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

More information can be found at:

Source Water Protection Guidance Manual for the Local Governments of Delaware at <http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual.pdf>

Ground-Water Recharge Design Methodology at

http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual_supplement_1.pdf.

Underground Storage Tanks

No environmental impact is expected from the LUST sites listed below. Should underground storage tanks or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. While changes to construction specifications are not expected as a result of unanticipated petroleum contamination, PVC pipe would need to be replaced by ductile steel in all contaminated areas.

Brosious & Eliason, Facility # 3-001929, Project # N9808143

Shore Stop Middletown, Facility # 3-001305, Project # N9805077

State Fire Marshal's Office – Contact John Rossiter 739-4394

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

1) Fire Protection Water Requirements:

- A. Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly)
- B. Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- C. Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

2) Fire Protection Features:

- A. All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- B. Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- C. Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- D. Show Fire Lanes and Sign Detail as shown in DSFPR.

3) Accessibility:

- A. All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from West Cochran Street must be constructed so fire department apparatus may negotiate it.
- B. Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- C. Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- D. The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- E. The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

4) Gas Piping and System Information

- A. Provide type of fuel proposed, and show locations of bulk containers on plan.

5) Required Notes

- A. Provide a note on the final plans submitted for review to read " All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- B. Proposed Use
- C. Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- D. Square footage of each structure (Total of all Floors)

- E. National Fire Protection Association (NFPA) Construction Type
- F. Maximum Height of Buildings (including number of stories)
- G. Note indicating if building is to be sprinklered
- H. Name of Water Provider
- I. Letter from Water Provider approving the system layout
- J. Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- K. Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from www.delawarestatefiremarshal.com.

Department of Agriculture - Contact Milton Melendez 739-4811

The Delaware Department of Agriculture has no objections to development proposed for the site. *Strategies for State Policies and Spending* promote growth in the location proposed by this application.

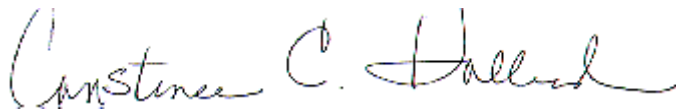
Public Service Commission - Contact Andrea Maucher 739-4247

The site is within the Town of Middletown's certificated water service territory. Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being more prominent.

Constance C. Holland, AICP
Director

CC: Town of Middletown